THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.9788 of 2006

Dated:05.06.2006

Between:

Chintada Nagayya.

…Petitioner

and

The Government of A.P, rep. by its Prl.Secretary, Revenue Department, Secretariat, Hyderabad, and others.

…Respondents

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WRIT PETITION No.9788 of 2006

ORDER:

The petitioner was assigned agricultural land by way of D-Form patta in respect of the land admeasuring Acs.2.25 cents in Survey No.249/2 of Peddabhogalli Village, Seethanagaram Mandal, Vizianagaram District. He allegedly spent considerable amounts and raised Mango, Cashew nut and Coconut garden. He alleges that the second respondent cancelled the patta without issuing any notice and filed a caveat

petition on the file of the Court of the Senior Civil Judge, Bobbili, alleging that the land in Survey No.249/2 admeasuring Acs.4.73 cents of Peddabhogalli Village is classified as tank poramboke, and that the same has been alienated by the Government of Andhra Pradesh vide their orders in G.O.Ms.No.157, dated 13.02.2006, in favour of the Principal, Government Junior College, Seethanagaram, for construction of a Government Junior College. The petitioner, therefore, filed the present writ petition seeking a writ of mandamus declaring the action of the second respondent in trying to dispossess him as illegal and arbitrary.

The learned Counsel for the petitioner vehemently contends that the land was assigned to the petitioner in 1974 and that he raised Mango garden in the land. He also submits that the land is not tank poramboke land and that the assignment cannot be cancelled without giving notice to the petitioner. **Per contra,** the learned Assistant Government Pleader for Revenue submits that the land has already been alienated and handed over to the Government Junior College for construction of a College building.

The petitioner was allegedly assigned the land admeasuring Acs.2.25 cents. The assignment order itself indicates that it is a tank poramboke. The attention of this Court is invited to the caveat petition filed by the second respondent in the civil Court, which shows that the Government alienated the land admeasuring Acs.4.73 cents in Survey No.249/2 in favour of the Government Junior College. The boundaries mentioned in the caveat petition would show that on the eastern side there is a school compound wall and on the western side there is National Highway No.45 road leading from Bobbili to Parvathipuram, whereas the Government Private College and High School form Southern and Northern boundaries. The petitioner, however, has not stated the description of the land assigned to him. This only shows that there is a dispute whether the land, as alienated by the Government to the Government Junior College, also includes the land allegedly assigned to the petitioner. This dispute cannot be resolved in this writ petition.

Therefore, giving liberty to the petitioner to approach the revenue authorities, the Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

05.06.2006

vs